## For the Northern District of California

## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

KHOA TAN TANG,	) No. C 04-03253 JW (PR)
Petitioner,	
VS.	) ORDER OF DISMISSAL
DERRAL ADAMS, Warden	
Respondent.	
	,

Petitioner filed the instant petition for a writ of habeas corpus under 28 U.S.C. § 2254 on August 11, 2004. On April 6, 2007, the Court issued an order directing respondent to show cause why the writ should not be granted based on the cognizable claims in the petition. On April 23, 2007, the copy of the order sent to petitioner was returned as undeliverable. Subsequent orders have also been returned as undeliverable, e.g., the Court's "Order Re Electronic Filing in Cases with Unrepresented Parties" was returned on June 4, 2007, and an order granting respondent an extension of time to file an answer was returned on June 20, 2007.

Pursuant to Northern District Local Rule 3-11, a party proceeding pro se whose

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address changes while an action is pending must promptly file and serve upon all opposing
parties a notice of change of address specifying the new address. See L.R. 3-11(a). The
Court may, without prejudice, dismiss a complaint or strike an answer when: (1) mail
directed to the attorney or the pro se party by the court has been returned to the court as not
deliverable, and (2) the court fails to receive within sixty days of this return a written
communication from the attorney or pro se party indicating a current address. <u>See</u> L.R.
3-11(b).

It has now been more than sixty days since the Court's initial order to show cause was returned as undeliverable. The Court has not received a notice from petitioner of a new address. Accordingly, this action is DISMISSED without prejudice. See Fed. R. Civ. P. 41(b); L.R. 3-11(b).

August 31, 2007 DATED:

ES WARE ed States District Judge